

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tae-youn HEOR et al.

Serial No. 10/786,073

Confirmation No. 4848



Group Art Unit: 2627

Filed: February 26, 2004

Examiner: Thomas D. Alunkal

For: COMPATIBLE OPTICAL PICKUP

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed November 7, 2008.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

With respect to some of the claims, the Examiner has provided a comment using bold typeface for portion of the claim. It is submitted that the use of bold typeface in the reasons for allowance is improper in that it provides certain emphasis which might "place unwarranted interpretations, whether broad or narrow, upon the claims" (M.P.E.P. §1302.14).

The Reasons also indicate that claims 17 and 33 recite limitations similar to those in claim 1. However, it is submitted that this alleged similarity should not infer that features not

specifically recited are included in the claims.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Feb. 3, 2009

By:


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